

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TERRELL K. BROCK,  
Plaintiff,

v.

CVS CORPORATION, ET AL.,  
Defendants.  
-----X

**ORDER**

22 CV 4014 (VB)

Copies Mailed/Faxed  
Chambers of Vincent L. Briccetti  
9/22/23

On June 14, and July 11, 2023, the Court held on-the-record initial conferences, at which plaintiff, proceeding pro se and in forma pauperis, failed to appear. (Docs. ##83, 95).

Further, by Orders dated June 14, and July 11, 2023, the Court informed plaintiff that his case could be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and comply with Court Orders, and reminded plaintiff that it was his obligation to update the Court in writing of any change in address. (Docs. ##83, 95).

On August 9, 2023, the Court held an on-the-record initial conference, at which plaintiff appeared. (Doc. #97). At the conference, plaintiff informed the Court that he did not live at the address that was on the docket at that time, 100 Manhattan Avenue., #2J, White Plains, New York, 10603, which was his mother's address. And plaintiff advised the Court that his current address was 68 Lent Street, Apt. 1, Poughkeepsie, NY 12601. (Id.).

By Order dated August 9, 2023, the Court directed the Clerk to update plaintiff's address on the docket and reminded plaintiff that it was his responsibility to advise the Court of any changes in address. (Doc. #97). Further, the Court stated:

Plaintiff has previously failed to comply with Court Orders. (See Docs. ##83, 95). **If plaintiff fails to do so again, the Court will deem his failure to be an abandonment of the case and will dismiss the case for failure to prosecute and comply with Court Orders. See Fed. R. Civ. P. 41(b).**

(Doc. #97).

On September 22, 2023, the Court received a letter from counsel for the White Plains Defendants stating he had attempted to serve a notice of deposition on plaintiff at his address on the docket—68 Lent Street, Apartment 1, Poughkeepsie, NY 12601—which was returned marked "Return to Sender, Insufficient Address, Unable to Forward." (Doc. #99).

Accordingly, it is hereby ORDERED:

1. The Court has previously advised plaintiff of his obligation to inform the Court if his address changes at least six times in writing, as well as on the record at the initial conference

on August 9, 2023. (See Docs. ##4, 6, 8, 83, 95, 97). Further, the Court reminded plaintiff that if he failed to do so, his case could be dismissed for failure to prosecute or comply with Court Orders pursuant to Fed. R. Civ. P. 41(b). (See Docs. ##83, 95, 97). **Thus, by October 23, 2023, plaintiff must advise the Court of his current address in writing. If plaintiff fails to do so, the Court will deem his failure to be an abandonment of the case and will dismiss the case for failure to prosecute and comply with Court Orders. See Fed. R. Civ. P. 41(b).**

2. At the conference on August 9, 2023, plaintiff provided the following email address: jonahelijah0112@gmail.com. Counsel for the White Plains Defendants is directed to serve the notice of deposition on plaintiff at this email address.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket and at plaintiff's mother's address listed above. Chambers will also email a copy of this Order to plaintiff at the email address listed above.

Dated: September 22, 2023  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge